

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NORMA KNOPF and MICHAEL  
KNOPF,

Plaintiffs,

- against -

Case No. 17 Civ. 5833 (DLC) (SN)

Hon. Denise L. Cote, U.S.D.J.

FRANK M. ESPOSITO,  
DORSEY & WHITNEY, LLP,  
NATHANIEL H. AKERMAN,  
EDWARD S. FELDMAN and  
MICHAEL HAYDEN SANFORD,

**Defendants.**

**DECLARATION IN RESPONSE  
TO SANFORD'S OBJECTION TO  
THE COURT'S DISCOVERY ORDER**

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Eric W. Berry, pursuant to 28 U.S.C. §1746, declares under penalty of perjury that the following is true and correct:

1. Earlier today, Michael Sanford, a non-party witness filed an objection (ECF 237) to the Court's discovery order of yesterday (ECF 235).
2. Mr. Sanford's objection states: Mr. Berry submitted a false affidavit of service and the Court relied upon that" and then tails off into a difficult to follow conclusion about a "factual nightmare." (ECF 237.)
3. On October 29, 2020, Mr. Sanford asked sent me a deposition subpoena relating to a Nassau Co. case, *Manhattan Leasing Enterprises v. M.H. Sanford & Co., LLC*, Index No. 602118/14. I responded immediately stating: "Michael I will be happy to accept service and consent to the deposition if you agree to accept service of separate document and deposition subpoenas in the *Esposito* case." That exchange is annexed hereto as Exhibit 1.
4. Mr. Sanford did not respond to my email.
5. In an earlier, July 24, 2020 filing (ECF 221), Mr. Sanford stated in support of his

request for dismissal from this action that: “I . . . will make myself available as a non-party witness in the event a party wishes to depose me.” *Id.*, at p. 1.

Dated: New York, New York  
November 12, 2020

/s Eric W. Berry  
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Eric W. Berry